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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,719	01/02/2004	Andi Gutmans	206,406	1411
38137 7590 07/31/2008 ABELMAN, FRAYNE & SCHWAB 666 THIRD AVENUE, 10TH FLOOR NEW YORK, NY 10017				
EXAMINER				
MIRZA, ADNAN M				
ART UNIT		PAPER NUMBER		
2145				
MAIL DATE		DELIVERY MODE		
07/31/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/750,719

Applicant(s)

GUTMANS, ANDI

Examiner

ADNAN M. MIRZA

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-2,4-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Independent claims language claimed "Original Socket" and "Copy of said Original Socket" which was not disclosed in the specification.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gobin et al (U.S. 6,745,229) and further in view of Austin (U.S. 6,370,569) .

As per claims 1,10,18 Gobin disclosed a method for downloading data, comprising the steps of: establishing a connection over a communication network between a remote client and a server, said connection comprising an original socket; receiving a download request from said client via said connection for download of information from said server (col. 9, lines 26-29); and executing said download manager process to service said request by transmitting said information to said client via said copy of said original socket (col. 9, lines 13-24).

However Gobin did not disclose in detail, "constructing a copy of said original socket; maintaining an open connection between said client via said copy of said original socket; closing said socket; enqueueing said copy of said original socket with copies of other sockets in a queue to await service of said request by a download manager process".

In the same field of endeavor Austin disclosed, "If the access method is "dstp" as determined in step 430, then in step 432 the data Socket client attempts to make a connection to the Data socket server identified by the URL using the host name or Internet address encoded in the URL according to standard URL syntax. As described above, the access mode "dstp" directs the Data socket client to connect to the Data Socket server identified in the URL. If the connection is established in step 432, then in step 434 the connection is established in 432, then in step 434 the Data Socket client sends a command indicating a request to subscribe to a specific tag , or to write the value of specific tag maintained by the Data Socket server (col. 15, lines 6-16).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated If the access method is "dstp" as determined in step 430, then in step 432 the data Socket client attempts to make a connection to the Data socket server identified by the URL using the host name or Internet address encoded in the URL according to standard URL syntax. As described above, the access mode "dstp" directs the Data socket client to connect to the Data Socket server identified in the URL. If the connection is established in step 432, then in step 434 the connection is established in 432, then in step 434 the Data Socket client sends a command indicating a request to subscribe to a specific tag , or to write the value of specific tag maintained by the Data Socket server as taught by Austin in the method and system of Gobin to increase the productivity by reducing the latency and down time.

2. As per claims 2,12 Gobin-Austin disclosed the step of forcing conversion of said copy of said original socket to non-blocking socket (Gobin, col. 7, lines 47-56).
3. As per claims 4,11 Gobin-Austin disclosed wherein said client comprises a plurality of clients, and said steps of establishing a connection, and constructing a copy of said original socket, and are performed substantially concurrently with respect to each of said plurality of clients (Gobin, col. 2, lines 50-67).
4. As per claims 5,13,19 Gobin-Austin disclosed wherein said download request further comprises a request to download a file (Gobin, col. 3, lines 1-11).

5. As per claims 6,14 Gobin-Austin wherein said connection comprises a TCP session (Gobin, col. 7, lines 47-56).
6. As per claims 7,15 Gobin-Austin disclosed wherein said original socket of said connection is a blocking socket (Gobin, col. 7, lines 47-56).
7. As per claims 8,16,20 Gobin-Austin disclosed wherein said server allows a maximum number of open file descriptors, further comprising the steps of: spawning a duplicate download manager process when said maximum number of open file descriptors is exceeded; performing said step of receiving a download request in one of said download manager process and said duplicate download manager process; and servicing previously pending requests in another of said download manager process and said duplicate download manager process (Gobin, col. 2, lines 50-67).
8. As per claims 9,17,21 Gobin-Austin disclosed further comprising the steps of: accepting new connections for additional clients over said communication network; establishing respective first threads in said server to operate said connection and said new connections; establishing a second thread to operate said download manager process; and communicating between said download manager process and said client and said additional clients via said connection and said new connections respectively using non-blocking I/O (Gobin, col. 9, lines 13-24).

Response to Arguments

9. Applicant's arguments filed 05/20/2008 have been fully considered but they are not persuasive. Response to applicant's arguments is as follows.

A. Applicant argued that prior art did not disclose, "Making a copy of the socket, enqueueing the copy of the socket in a download manager, and using the copy of the socket to download data".

As to applicant's argument Gobin disclosed, "When the listener process has a data to pass to EDOCCS000, EDOCS000 invokes a retrieve command to get the data. EDOCS000 then performs a take socket and responds to the client by a write socket (col. 22, lines 26-28)".

B. Applicant argued that prior art did not disclose, "There is no conversion of a blocking socket to non-blocking socket".

As to applicant's argument Gobin disclosed, "the present invention includes a number of web servers for managing customer sessions over the internet. The web servers support a secure socket connection enabling encrypted communications between the client browser application and the web servers (col. 3, lines 1-4)".

Conclusion

11. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

12. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

Adnan Mirza
/A. M. M./
Examiner, Art Unit 2145

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145